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## STATEMENT OF REASON FOR APPEAL

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**TO:** CITY OF MINNEAPOLIS – ZONING & PLANNING COMMITTEE  
**FROM:** JOEL & ALYSSA FISCHER  
**SUBJECT:** VARIANCE APPEAL  
**DATE:** DECEMBER 17, 2014  
**RE:** 2000 FREMONT AVENUE SOUTH

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We would like to formally appeal the decision issued by the Board of Adjustments regarding our recent variance request to increase the maximum floor area ratio (FAR) from 0.50 to 0.54 for a proposed single-family home at 2000 Fremont Avenue South (the "Property").

### Background

My wife and I purchased Property (located on the southwest corner of Franklin Ave. & Fremont Ave. S.) in February 2013 with the intention of building a single-family home where we will raise a family. We purchased the property because of its location in a family-friendly neighborhood, its access to good public transportation, and its proximity to multiple commercial districts. I suffer from a degenerative eye disease and am legally blind. Therefore, location and the physical layout/design of our home is very important.

In terms of location, the Property provides great access to shops and services, and is close to several major bus routes. The fact that we are working with a vacant lot provides us an opportunity to design a house that accommodates our physical needs.

We identified a builder in late 2013 and designed a two-story, 3,304 sq. ft. home with an attached garage (main floor = 1,345 sq. ft., second floor footprint = 1,439 sq. ft., and 520 sq. ft. attached garage). The house was designed to "fit" with the surrounding neighborhood (in terms of appearance and size) and complied with all zoning ordinances. At the time of initial design, the proposed home had a gross floor area ratio of 0.49.

Our Property is a vacant, 6,111 sq. ft. rectangular lot (approximate width of 48 feet and depth of 129 feet). The Property is designated R2B and its natural grade slopes gradually from the rear of the Property to the front along Fremont Avenue. The aggregate change in grade from rear to front is 8 feet.

We intentionally designed our home with an attached garage because it reduces the amount of outdoor traffic for me. Given the natural grade of the Property, a detached garage would require several steps between the garage and the home's rear entry. Navigating this is concerning, especially in difficult winter conditions, and will only become more difficult as my vision deteriorates. My eye disease, Stargardt's, is hereditary, so there is a possibility it will also impact our daughter, Audrina, or any additional children.

## **Practical Difficulty**

The Property's change in grade creates a practical difficulty because if required to detach our garage there will need to be multiple steps down from the garage to the house. As previously noted, this can be problematic given my eye disease.

Stargardt's is a retinal disease that impacts your central vision. (It's a juvenile form of Macular Degeneration, which is more common, and prevalent older individuals.) My current acuity is 20/400 (20/200 is the threshold for being legally blind) and impacted with a large blind spot in the center of my vision. There is no cure for the disease and will gradually progress throughout one's life.

We intend for this to be our long-term, family home so we designed it in a manner to mitigate potential issues if my vision deteriorates.

## **Designing in a Reasonable Manner, Keeping with the Spirit and Intent of the Ordinance and Comprehensive Plan.**

Lowry Hill is a unique neighborhood in Minneapolis that is comprised of large two and a one-half story homes built in the early 1900's. Our lot is located on a heavily trafficked corner (Franklin Ave. & Fremont Ave.) and will be a focal point within the neighborhood. Therefore, it is very important that we design a home that "fits" with the neighborhood in terms of size, design, and materials used.

**Regulation of Bulk:** The City Planner's staff report states that the purpose of the new zoning ordinance (which removed a FAR credit for attached garages) was to "regulate bulk, avoid long blank walls, preserve lines of site through adjacent back yards, and preserve traditional patterns of development."

We want our home to fit in with the neighborhood and be visually appealing from all perspectives. Because the design included an attached garage we deliberately took measures to reduce the perceived "bulk" of the home.

We designed the garage with a lower height than the rest of the home so that it softens the feel (or perceived bulk) of the home, especially when heading east on Franklin Ave. (from an elevated perspective).

**Avoidance of Blank Wall:** We recognize that homes with attached garages can appear long. Therefore, we incorporated a significant number of windows into the design. The windows vary in size and are positioned strategically to soften the façade along Franklin Ave.

We also added dimension to the exterior of our home by varying the width throughout. We believe the dimension helps break the length of the home and also reduces its perceived "bulk".

The property directly to the north (1938 Fremont Ave. S.) is a three-story, rectangular, multi-family property that is approximately the same length as our proposed home. The multi-family property is tall and lacks any dimension. As a result, we believe it has less appealing sight lines and more "bulk."

Moreover, the property diagonal from our site (1945 Fremont Ave. S.) is a four-story, rectangular multi-family property. This also has a similar length and most certainly has more "bulk"

**Essential Character of the Neighborhood:** As previously noted, the Property is located on a heavily trafficked intersection in Lowry Hill, so we tried very hard to design a home that fit well with its surroundings. We incorporated an elevated, wrap-around front porch along Fremont Ave. and Franklin Ave. We also intend to landscape around the Property and use building materials/colors that are common in the neighborhood. We believe this will all create a visually appealing home from all perspective and will not alter the essential character of the neighborhood.

**Keeping with the Spirit of the Ordinance:** Our design was intended to “fit” with the neighborhood and keep with the spirit and intent of the FAR ordinance. At the time of design, the home’s FAR was 0.49 and complied with the ordinance.

If required to detach our garage we would have the ability to increase the size (sq. ft.) to both the garage and home (notwithstanding adding a half story) without requesting a variance. This would certainly create more “bulk” and would not keep with the spirit and intent of the ordinance.

If we are required to detach our garage it will likely face the alley (no new curb cut and safer to back into alley), resulting in a 5 ft. rear setback. The minimum distance between a detached garage and a home must be no less than 6 ft. Our front yard setback is 33.4 ft. as established by adjacent homes on the block (as compared to minimum setback of 25 ft.) The cumulative result of the large front yard setback, the required 6 ft. of separation between a detached garage and a house, and the 5 ft. rear yard setback makes fitting a detached garage on the lot more difficult than a typical lot.

The setback on the side yard along Franklin is 8 ft. (corner lot) rather than 6 ft., so this further constrains the design of the structure. Because of these spatial constraints, building a house and detached garage is more difficult than it would be on a typical lot. This may result in the home’s design being wider, taller, and less visually appealing structure, which we believe does not keep with the spirit of the ordinance.

**The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the general public or of those utilizing the property or nearby properties.**

As previously noted, our proposed home will not alter the essential character of the locality, nor will it be injurious to the use or enjoyment of other properties in the vicinity.

Our home will not be detrimental to the health, safety or welfare of the general public or those utilizing our Property or those surrounding this property.

We appreciate our neighbors’ opinion and understand that we are joining their neighborhood. Therefore, we have taken a proactive approach in discussing our project with the Lowry Hill Neighborhood Association (LHNA) and our neighbors. (Especially after becoming aware of the “checkered” history of the Property and the two non-conforming homes previously located on the Property.)

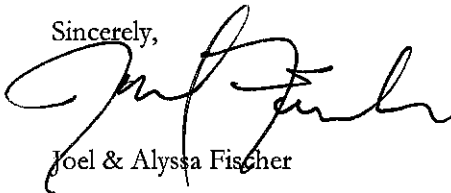
We presented to LHNA in early November and received their formal support. This was important because LHNA typically states that they “do not oppose” a request. However, given their overwhelming support of the project they went on record formally supporting our request. Their written support is acknowledged in a letter to the City Planner dated November 28, 2014.

Several of our neighbors attended the meeting and subsequently provided written support for our project and variance request. We received five letters from neighbors, including two adjacent neighbors to the south (2006 & 2008 Fremont Ave. S.), the adjacent neighbor to the west (across the alley at 2001 Girard Ave. S.), the owner of the multi-family property adjacent to the north (1938 Fremont Ave. S.), and one neighbor on the 1900 block of Fremont Ave.

We believe our neighbors' opinion is most important of all and feel it was not given as much weight as we expected during the variance process. We've been told by several parties that this level of support is unique, and reaffirms that our project will not negatively alter the essential character of the neighborhood. Frankly, our neighbors are very excited about our plan and to have another young family join the 2000 Fremont block.

In closing, we truly appreciate your consideration of our variance request. We understand this is a unique circumstance, and we really look forward to building our new home and raising our family in a great neighborhood within the city of Minneapolis.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel & Alyssa Fischer', written in a cursive style.

Joel & Alyssa Fischer